
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UTAH REPUBLICAN PARTY,

Plaintiff,

CONSTITUTION PARTY OF UTAH,

Plaintiff and Intervenor,

v.

GARY R. HERBERT, in his Official Capacity
as Governor of Utah, and SPENCER J. COX,
in his Official Capacity as Lieutenant Governor
of Utah,

Defendants.

**DECLARATORY JUDGMENT
AND INJUNCTION**

Case No. 2:14-cv-00876-DN-DBP

District Judge David Nuffer
Magistrate Judge Dustin B. Pead

Based on the Memorandum Decision and Order Granting in Part and Denying in Part Defendants' Motion for Summary Judgment [162] and Granting in Part and Denying in Part Constitution Party of Utah's Motion for Partial Summary Judgment [163],¹ IT IS HEREBY ORDERED, ADJUDGED, DECREED, AND DECLARED as follows:

1. [Utah Code § 20A-9-101\(12\)\(a\)](#) is unconstitutional as applied to the Constitution Party of Utah and is unconstitutional as applied to the Utah Republican Party.
2. Defendants are enjoined from enforcing Utah Code § 20A-9-101(12)(a) against the named parties in this case.

¹ Memorandum Decision and Order Granting in Part and Denying in Part Defendants' Motion for Summary Judgment [162] and Granting in Part and Denying in Part Constitution Party of Utah's Motion for Partial Summary Judgment [163], [docket no. 207](#), entered November 3, 2015.

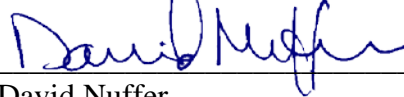
3. Because the provisions of SB54 are severable,² only Utah Code § 20A-9-101(12)(a) is effectively stricken, as applied to the Utah Republican Party and the Constitution Party of Utah. The remaining provisions of SB54 remain intact and Utah Code § 20A-9-406(1) replaces the function of Utah Code § 20A-9-101(12)(a), as applied to the Utah Republican Party and the Constitution Party of Utah.

4. All other claims presented are dismissed.

The Clerk is directed to close the case.

Dated November 23, 2015.

BY THE COURT:



David Nuffer
United States District Judge

² Utah Code § 20A-1-103.